

AMENDED IN SENATE MAY 4, 2006
AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1499

Introduced by Senator Battin

February 23, 2006

An act to add Section 52.6 to the Civil Code, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

SB 1499, as amended, Battin. Civil actions: religious preference.

The California Constitution guarantees the free exercise and enjoyment of religion without discrimination or preference, *and provides that the Legislature shall make no law respecting an establishment of religion.*

~~Existing law sets forth various personal rights and provides that all persons within California have the right to be free from violence, or intimidation by the threat of violence because of, among other characteristics, their race, color, religion, ancestry, national origin, political affiliation, or sex. Existing law further permits an individual whose exercise or enjoyment of specified personal rights has been interfered with to bring a civil action for damages, including actual damages, exemplary damages, attorney's fees, injunctive relief, and other appropriate relief.~~

This bill would provide that injunctive relief shall be the sole remedy in any civil action against a public agency, as defined, or any officer or employee thereof, for any violation of ~~the~~ *these* constitutional ~~prohibition against religious discrimination or preference prohibitions~~ if the violation consists of the public display

of a religious symbol in specified locations. The bill also would ~~bar~~ *prohibit* an award of attorney's fees in these actions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 52.6 is added to the Civil Code, to read:
2 52.6. (a) Notwithstanding any other law, and except as
3 provided in Section 52.1, injunctive relief shall be the sole
4 remedy in any civil action against a public agency, or any officer
5 or employee thereof, for any violation of the ~~prohibition~~
6 *prohibitions* in Section 4 of Article I of the California
7 Constitution ~~against religious discrimination or preference~~ if the
8 violation consists of the public display of a religious symbol
9 upon any of the following locations:
10 (1) An official seal.
11 (2) A court house or other court facility.
12 (3) Any other facility used primarily for government
13 operations.
14 (4) Any public lands.
15 (5) Any veterans' memorial or monument.
16 (b) No attorney's fees shall be awarded with respect to any
17 civil action described in subdivision (a).
18 (c) For purposes of this section, "public agency" means the
19 state or any agency or department of the state, and any city,
20 county, city and county, special district, school district,
21 municipal corporation, political subdivision, joint powers
22 authority, or any board, commission, or agency thereof.